

EXHIBIT L

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
BEFORE THE HONORABLE PEGGY A. LEEN, MAGISTRATE JUDGE

ORACLE USA, INC., a Colorado :
corporation; ORACLE AMERICA, :
INC., a Delaware corporation; :
and ORACLE INTERNATIONAL : No. 2:10-cv-0106-LRH-PAL
CORPORATION, a California :
corporation, :
:
Plaintiffs, :
:
vs. :
:
RIMINI STREET, INC., a Nevada :
corporation; and SETH RAVIN, an :
individual, :
:
Defendants. :
:

TRANSCRIPT OF MOTION HEARING

October 9, 2014

Las Vegas, Nevada

FTR No. 3B/201401009 @ 9:31 a.m.

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(Proceedings recorded by electronic sound recording,
transcript produced by mechanical stenography and computer.)

1 mean that you've met the standard under Rule 26(c) .

2 So just submit a supplemental paper for me. And
3 they'll remain under seal until further order of the Court.

4 But so that we're in compliance with the
5 relevant Ninth Circuit standard -- and I know you've cited
6 a Central District of California case, but I don't think
7 that's apposite to the situation. So we'll take care of
8 that brief housekeeping matter first.

9 And then I have read all of your materials. I
10 understand that you want the Court's guidance because
11 you've been ordered to prepare a joint pretrial order and
12 file it with the Court by October the 14th.

13 And after Judge Hicks' ruling on the motion for
14 summary judgment on February 13th, 2014, Rimini indicated
15 that it has engaged in a new and improved development model
16 that it believes is noninfringing and consistent with Judge
17 Hicks' opinions.

18 And the question is what impact does that have
19 on the trial that is going to be set as soon as you've
20 lodged your joint pretrial order and whether any additional
21 discovery should be permitted by virtue of the way the
22 district judge has now tailored the case from his two
23 orders granting partial summary judgment in part.

24 So let me hear from, first, counsel for Oracle
25 about what it is specifically that you are asking me to do.

1 What would the order look like if I grant the request for
2 relief that you are requesting? Because I understand you
3 want to limit the scope of the trial to the issues of the
4 development processes that were in effect at the time that
5 Judge Hicks entered his February 2014 motion for summary
6 judgment.

7 On the other hand, it is apparent that after
8 that order Oracle itself asked for supplemental discovery
9 from Rimini and asked for a Rule 30(b)(6) deposition.

10 So it seems that you did contemplate some
11 supplemental discovery, at least when you asked for it.

12 And you may adjust the lectern, if it's more
13 comfortable for you, up or down on your -- the little
14 button on the --

15 MR. RINGGENBERG: Oh, I see. Oh, there we go.

16 Thank you. The order we request would hold that
17 the trial should be limited to the conduct covered by the
18 fact discovery period that we had.

19 THE COURT: Does that mean your damages are
20 going to be cut off as of December 2011?

21 MR. RINGGENBERG: We -- our proposal is -- what
22 we have said is we would limit our -- we would not seek
23 damages after Rimini claims it switched to the new model,
24 which is -- the date they say, is February 13th of 2014.

25 THE COURT: I understand that. Therein lies the

1 rub, okay, because fact discovery closed December 2011.
2 The new model that Rimini claims it has enacted that is not
3 infringing went into effect shortly after the district
4 judge entered his summary judgment motion February 2014.
5 But presumably you do have damages between the close of
6 fact discovery and that date.

7 MR. RINGGENBERG: That's correct, Your Honor. I
8 think the resolution of that question is -- let me make two
9 points.

10 The first is if we're -- what would be required
11 to fairly try this new support model would be a very
12 significant undertaking. It would dramatically expand the
13 case. This wasn't easy to get through discovery the first
14 time. And if we're going to do it again, it's going to
15 take a lot of work and a lot of time. And so Oracle's
16 point of view is that we should take those issues and put
17 them in another case.

18 If we're going to have -- and let me make three
19 points. The first is that new -- the new process isn't
20 relevant. Second is Rimini shouldn't be allowed to make
21 claims about it that are untested by discovery. And the
22 third is if discovery is allowed, it's going to take a long
23 time and a lot of work from everyone. So the best
24 solution, in our view, is to exclude it altogether.

25 Now, I think the focus on the area between 2012

1 and 2014, I think there's two things.

2 First, it's not clear that what they're doing
3 after 2014 is really all that relevant to what they're
4 doing in the transition period between the judge's court
5 ruling and when they say they completed and moved into the
6 new model. Our -- maybe it's more relevant than it would
7 have been to what happened in 2005. But marginal at best.

8 And the second is that it would be -- there's --
9 if that is the reason, if those two years, which is really
10 the tail on the dog of what would be a seven-year damages
11 period, you know, and then we would have two more, I guess,
12 if you would go -- from 2006 to 2012 would be six years,
13 and we have this two-year period at the end, if that's
14 what's really driving this, like if Oracle were to ask, You
15 can either go to trial now or we can have another extensive
16 period of discovery and delay your trial, I think it might
17 choose just to push 2012 off into the next case too.

18 Our interest is in trying to get this thing
19 through. You know, the Court supervised a very extensive
20 discovery process. It was extensive on everyone. So the
21 idea of going through that again and pushing the trial off
22 is a serious -- is a serious concern to us. We're trying
23 to get done with this. And I believe Rimini probably is
24 too. They want to get through with this also.

25 And if after that process, you know, if we have

1 keep focused on real issues. That wouldn't be a mini
2 trial. That is another gigantic case. And it's not
3 necessary to be fair because we had extensive discovery on
4 what they actually did far closer to the relevant period.

5 We -- and that's led to the document that the
6 Court cited. So the -- there is no other theory of
7 relevance that's been explained. The idea they want to
8 stand in front of the jury and say we've been reformed has
9 no bearing if we're not seeking damages for the date of the
10 trial.

11 So we think that solves the issue.

12 THE COURT: I am not going to reopen discovery
13 in this case. And the parties require leave of Court to
14 engage in any discovery other than supplementation that's
15 required by Rule 26(e).

16 The district judge's order was not a basis to
17 reopen the entire case and start all over with what Rimini
18 is doing now.

19 And I will hold Oracle to its offer to stipulate
20 that it will not be seeking damages for any period on or
21 after the date of the district judge's February 13th, 2014,
22 order.

23 Of course, if you open the door, that's another
24 issue altogether. But at this point the case is going to
25 be the case that was -- that was discovered and closed

1 after the expert disclosure deadlines and the pretrial
2 order.

3 And, of course, Rimini may preserve its
4 objection to my adverse ruling by stating, Given the
5 opportunity you would have inserted these additional
6 issues. But I am not going to reopen discovery in this
7 case that's nearly five years old.

8 You're not going to get a trial date until you
9 lodge the joint pretrial order with the Court. It's --
10 it's due on October 14th.

11 I take it both sides would probably want some
12 relief from that request. So given the Court's ruling --
13 and, as I said, I, of course, reserve to the district judge
14 the decision about the admissibility of the value -- the
15 value-added model or whether it's admissible or not or
16 whether it is a legitimate model for damages that will or
17 will not be admitted is, of course, reserved for the
18 district judge. I make no comment on that. But you
19 connected the full discovery on that theory. And you have
20 your respective positions on that.

21 But discovery in this case will remain closed.
22 And this case is a case that it was put in at the close of
23 discovery, not thereafter.

24 So I'll ask Oracle to submit a proposed order
25 and -- to me because I'm without a law clerk for the next